
Public Utilities Commission of the State of California

Results of Public Agenda 3088

Meeting Held on Thursday, May 16, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President (Present)

Geoffrey F. Brown (Present)

Henry M. Duque (Present)

Michael R. Peevey (Present)

Carl W. Wood (Present)

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, June 24, 2002 (San Francisco)	Thursday, June 06, 2002 (San Francisco)
Friday, July 12, 2002 (San Francisco)	Thursday, June 27, 2002 (San Francisco)
	Wednesday, July 17, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re 1: David L. Margrave, South Pasadena, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

CA-1

Res TL-19000

458

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-2

Res ALJ-176-3088

459

Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-3
453 C98-11-027 - Reuben Bercovitch and Blanche Bercovitch (Complainants) vs. San Diego Gas & Electric Company.**

This decision grants Complainants an award of \$34,154.10 from the Advocates Trust Fund in compensation for their contribution to D00-04-029. This proceeding is closed.

(Comr Duque - ALJ Cooke)

Outcome Signed

[D02-05-027](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
469 Res T-16654**

This resolution revokes Certificates of Public Convenience and Necessity of the following 17 competitive carriers for failure to comply with Commission decisions: Millennium Group Telemanagement; NTI Telecom, Inc.; Infolink Communications, Ltd.; CBG, Inc.; Local Long Distance; Tritel Communications, LLC; New Media Telecommunications, Inc.; National Tel; Financial Intranet, Inc.; Tritel Communications, LLC; Nations Telecom Network; Payless Communications, Inc.; Tele-Global Communications, Inc.; Teltrust Communications Services, Inc.; Software America, Inc.; Simple Phone; Network Telecommunications.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
484 I01-06-021 - Order Instituting Investigation into the operations and practices of Arnold Ray Baeza, doing business as Best Movers (Respondent).**

This decision permits Respondent to retain his permit to operate as a household goods carrier if he complies with the conditions set forth in the decision. Additionally, the decision fines Baeza a total of \$19,000, with all but \$5,000 suspended provided Respondent complies with this decision. This proceeding is closed.

(Comr Brown - ALJ Econome)

Outcome Signed

[D02-05-028](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-6
509

Res W-4333 - Del Oro Water Company, Inc., Paradise Pines District.

This resolution authorizes a general increase in rates producing \$121,745 or 10.51% additional annual revenue.

Outcome Held (6/6/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-7
510

A01-03-026 - PacifiCorp.

For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a Rate Stabilization Plan. This decision grants PacifiCorp an interim rate increase of one-cent per kilowatt-hour, subject to refund with interest. The resulting rate may not exceed those requested in its general rate increase filing in this proceeding.

(Comr Duque - ALJ O'Donnell)

Outcome Held (6/6/02 Regular)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-8
525

A01-05-002 - California Water Service Company (CWS).

This decision denies the application of CWS to increase rates in its operating districts to recover forecasted general office expenditures. Rate recovery of forecasted increases in general office expenditures should be addressed in general rate increase applications for the operating districts. This proceeding is closed.

(Comr Duque - ALJ O'Donnell)

Outcome Held (6/6/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9
527**

C00-08-035

The Utility Reform Network (TURN), the California Mobile Home Resource and Action Association, and Does 1-100 vs. Four Seasons Mobile Home Park, The Franciscan Mobile Country Club, Rancho Santa Teresa Mobile Home Estates, Diablo Mobile Lodge, Friendly Village Mobile Home Park, Pepper Tree Estates Mobile Home Park, Spanish Ranch Mobile Home Park Number 1, Riverbend Mobilehome Park, Hilton Mobile Home Park, Hillview Mobile Home Park, and Does 1-100. This decision awards TURN \$10,185.88 in compensation from the Advocates Trust Fund for its contribution to D01-08-063. This proceeding is closed.

(Comr Lynch - ALJ Jones)

Outcome Signed

[D02-05-029](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10
528**

Res W-4334 - Arrowhead Manor Water Company, Inc. (AMWC).

This resolution authorizes AMWC an offset rate increase of \$40,668 or 14.3% in additional revenue due to contract work and purchased water costs. (Advice Letter 47-W, filed January 28, 2002)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11
533**

(ECP) C01-09-035 - David L. Gordon (Complainant) vs. Southern California Edison Company.

This decision denies the complaint for a refund of alleged overbillings of \$1,778.44. Complainant's premises had the connected load to use all the electricity which was billed. This proceeding is closed. (Comr Brown - ALJ Barnett)

Outcome Signed

[D02-05-030](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12
536****A02-01-014 - Budget Phone, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services in the service territories of Pacific Bell Telephone Company and Verizon California, Inc. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D02-05-031](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13
539****A02-01-033 - Cat Communications International, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to resell local exchange telecommunications services within the service territories of Pacific Bell Telephone Company and Verizon California, Inc. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D02-05-032](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14
555****A01-11-025 - Ciera Network Systems, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services within the service territories of Pacific Bell Telephone Company and Verizon California Inc. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D02-05-033](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-15
563

A01-05-034 - Sacramento Regional Transit District (District).

This decision grants the request of the District for an order authorizing the construction, modification, maintenance, and operation of a light rail passenger system and the Union Pacific Railroad tracks at eight crossings in the County of Sacramento. This proceeding is closed.

(Exam Clark)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-16
564

A02-02-009 - City of Palmdale (City).

This decision grants City's request to reconstruct the existing Avenue S Overhead grade separation bridge structure over Union Pacific Railroad Company's Colton Cutoff tracks in Palmdale, Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-05-034](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-17
568

C01-01-029 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.

Complaint and cross-complaint dismissed at the request of the parties. This proceeding is closed.

(Comr Wood - ALJ Barnett)

Outcome Held (6/27/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18
569****C01-08-041 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.**

This decision grants a dismissal of the complaint and cross-complaint, requested by all parties. The \$9,715,860.28 deposited by complainants is refunded to complainants, as requested by all parties.

This proceeding is closed.

(Comr Wood - ALJ Barnett)

Outcome Held (6/27/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19
574****A96-02-010 - County of Fresno (County).**

For an order authorizing construction of a crossing at separated grades between Chestnut Avenue and the tracks of the Southern Pacific Transportation Company (PUC No. B-210.3). This decision grants County's Petition for Modification of D96-03-019 requesting authority to reduce the temporary vertical clearance for false work from 21' 6" to 21' 0" during construction of the Chestnut Avenue overhead grade separation bridge structure. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-05-035](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20
575****A01-05-040 - Affinity Corporation (Affinity) and Network US, Inc. (Network).**

The decision grants the application of Affinity and Network for Network to acquire the assets and certificate of public convenience and necessity of Affinity. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Held (6/6/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-21**
580 **A01-05-045 - City of Pleasanton (City).**
This decision grants request of the City to construct a railroad underpass at separated grade on Valley Avenue extension at the tracks of the Union Pacific Railroad in Pleasanton, Alameda County. This proceeding is closed.
(Exam Clark)
Outcome Signed
[D02-05-036](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-22**
581 **(ECP) C02-01-040 - Mo Kadohata (Complainant) vs. Southern California Gas Company (Defendant).**
Complainant wants Defendant to install a gas service line to her home at no cost. Defendant says the home is not plumbed for gas and there is no active gas service to the home. A new service line is required at an estimated cost of \$3000. Held. Complaint denied. Defendant's tariff requires a charge for a new service line, under the facts of this case. This proceeding is closed.
(Comr Brown - ALJ Barnett)
Outcome Signed
[D02-05-037](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-23**
582 **A01-11-036 - Pac-West, Inc. (Pac-West).**
This decision grants Pac-West authorization to discontinue the provision of facilities-based local exchange service to its residential customers. This proceeding is closed.
(Comr Peevey - ALJ Evans)
Outcome Signed
[D02-05-038](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-24
591**

A01-11-009 - Victor G. Ukap and California Airbus, Inc. (Applicant).

Applicant is authorized to operate as a scheduled passenger stage corporation between points within certain cities in the LA Basin Territory and Los Angeles and Ontario International Airports. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-05-039](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
592**

(ECP) C02-02-026 - Bahman Jamtoob (Complainant) vs. Pacific Bell Telephone Company (Pacific).

Complainant alleges Pacific overcharged him for work done. Held. Complainant is entitled to have the \$362 charge reduced to \$203.30. This case is closed.

(Comr Brown - ALJ Barnett)

Outcome Held (6/6/02 Consent)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26
595**

A01-11-035 - Mini-Bus System, Inc., dba SuperShuttle San Gabriel (Applicant).

Applicant is authorized to extend its passenger stage certificate between points in San Diego County and San Bernardino, Los Angeles and Ontario International Airports. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-05-040](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27
596**

A01-10-016 - Alameda Corridor - East Construction Authority (ACE).

This decision grants request of the ACE to eliminate an existing at-grade crossing through construction of a grade-separated crossing at East End Avenue in the City of Pomona, Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-05-041](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-28
38**

A00-12-026 - Pacific Gas and Electric Company (PG&E).

For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

(Agenda 3080, Item CA-9 1/23/2002; Agenda 3087, Item CA-9 5/2/2002)

Outcome Held (6/27/02 Regular)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

- H-1
163** **A01-09-007 - San Diego Gas & Electric Company (SDG&E).**
For construction and operation of a second 230 kV Circuit on the existing transmission line from Imperial Valley Substation to the international border to interconnect with the Commission Federal De Electricidad, Baja California Norte System. This decision grants the request by SDG&E to relocate six support structures along the existing Imperial Valley-La Rosita transmission line to accommodate two proposed merchant transmission line projects, provided that the relocation and any related costs will not be borne by ratepayers. This proceeding is closed. (Agenda 3079, Item 8, 01/09/02)
(Comr Duque - ALJ Cooke)
(Agenda 3086, Item H-2 4/22/2002; Agenda 3087, Item H-4 5/2/2002)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-2
317** **A01-01-021 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**
SoCalGas and SDG&E are authorized to consolidate their gas supply portfolios and management of gas acquisition; to review rules for noncore customers to procure gas; to permit core-customers of wholesale customer to obtain gas on the same terms as core customers of the utilities; provide that reacquired El Paso capacity will be assigned to the consolidated gas supply portfolio; and permit the consolidated management to provide tolling service to SDG&E. This proceeding is closed.
(Comr Duque - ALJ Barnett)
(Agenda 3085, Item 4 4/4/2002)
Outcome Defeated
Yes: (Duque, Peevey)
No: (Brown, Lynch)
Abstain: (Wood)
Absent: (none)

**H-2a
586****ALTERNATE TO ITEM 317**

This decision declines to authorize consolidation of Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company's gas supply portfolios and management of gas acquisition, and provides wholesale customers of SoCalGas and other gas utilities that serve core customers to have first option to SoCalGas' El Paso interstate capacity that reverts to SoCalGas control before 2006.

(Comr Lynch)

(Agenda 3085, Item 4a 4/4/2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3
299****A01-02-024 - AT&T Communications of California, Inc., WorldCom, Inc., and The Telephone Connection Local Services.**

Joint application for the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050. A01-02-035, A01-02-034 - Related matters. This interim order in the Commission's 2001 Unbundled Network Element (UNE) Reexamination proceedings sets interim rates for two of Pacific Bell's UNEs, namely loops and switching. For unbundled loops, the Commission adopts an interim discount of 15.1% from Pacific's current loop price of \$11.70. For unbundled switching, the Commission adopts an interim discount of 35.8% for the basic port, 50.8% for usage rates, and 41.9% for tandem switching. These interim rates are subject to adjustment once final rates are adopted. This proceeding shall remain open to set final rates for these UNEs.

(Comr Wood - ALJ Duda)

(Agenda 3085, Item 1 4/4/2002; Agenda 3087, Item H-5 5/2/2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3a
594****ALTERNATE TO ITEM 299**

The alternate decision adopts an interim discount off current switching rates of 69.4% for local switching and vertical features and a 79.3% discount for tandem switching.

(Comr Lynch)

Outcome Signed (Comr Duque will file a dissent)

[D02-05-042](#)

Yes: (Brown, Lynch, Wood)

No: (Duque, Peevey)

Abstain: (none)

Absent: (none)

H-3b (Rev.) ALTERNATE TO ITEM 299**599**

The alternate order adopts an interim discount of 8.1% from Pacific's current loop price of \$11.70. For unbundled switching, the Commission adopts an interim discount of 58.9%. These interim rates are subject to adjustment once final rates are adopted. This proceeding shall remain open to set final rates for these unbundled network elements.

(Comr Peevey)

05/08/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Defeated

Yes: (Peevey)

No: (Brown, Duque, Lynch, Wood)

Abstain: (none)

Absent: (none)

H-4**318****A01-08-038 - FirstWorld Orange Coast (Applicant).**

For authority to transfer customers and terminate local and interexchange services. This decision finds that the Applicant sent misleading notices to its customers that led them to believe that service would be automatically terminated after a specified date. As a result, the Commission finds that it effectively withdrew from service without authorization in violation of General Order 96-A Section XIV, Pub. Util. Code § 702. This decision approves Applicant's request to withdraw from providing service, and requires reparations to customers. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 5 4/4/2002; Agenda 3087, Item H-3 5/2/2002)

Outcome Signed

[D02-05-043](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-5 A01-05-022 - FirstWorld Anaheim (Applicant).

319 This decision finds that the Applicant effectively withdrew from providing local exchange service to its customers, without prior Commission authorization, through the use of false and misleading notices and unauthorized service interruptions, in violation of General Order 96-A, Section XIV, Public Utilities Code Section 702, and its tariffs. This decision approves Applicant's request to withdraw from providing service, impose an \$18,000 fine, and require reparations to customers. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 6 4/4/2002; Agenda 3087, Item H-1 5/2/2002)

Outcome Signed

[D02-05-044](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-6 A01-05-023 - FirstWorld SoCal (Applicant).

320 This decision grants the Applicant's request to withdraw from service. The Applicant is fined \$24,000, and ordered to make restitution to its customers because it effectively withdrew from service without prior Commission authorization through the use of false and misleading notices. The applicant also interrupted service to three of its customers in violation of its tariffs. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

(Agenda 3085, Item 7 4/4/2002; Agenda 3087, Item H-2 5/2/2002)

Outcome Signed

[D02-05-045](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-7
359** **I01-10-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Bidwell Water Company (Bidwell) and its owners and operators, Thomas and Vicki Jernigan, and order to show cause why findings should not be entered by the Commission under Public Utilities Code Section 855.**

This decision determines that a showing has not been made that Bidwell is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. This proceeding is closed.

(Comr Duque - ALJ Ryerson)

(Agenda 3086, Item 1 4/22/2002; Agenda 3087, Item H-6 5/2/2002)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-7a
360** **ALTERNATE TO ITEM 359**

The Commission determines that a showing has not been made that Bidwell Water Company is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. However, the Commission requires the respondents to file a compliance plan to remedy outstanding violations of prior Commission orders.

(Comr Duque)

(Agenda 3086, Item 1a 4/22/2002; Agenda 3087, Item H-6a 5/2/2002)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8
449** **A01-10-044 - City of Fontana (City).**

This decision grants the request of the City to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Southern California Regional Rail Authority's (SCRRA/Metrolink) San Gabriel Subdivision tracks in Fontana, San Bernardino County. This proceeding is closed.

(Exam Clark)

(Agenda 3086, Item CA-21 4/22/2002; Agenda 3087, Item CA-13 5/2/2002)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8a
617****ALTERNATE TO ITEM 449**

This decision grants the request of the City to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Souther California Regional Rail Authority's San Gabriel Subdivision tracks in Fontana, San Bernardino County. This alternate recommends that staff conduct statewide workshops to assess the effectiveness of the pre-signals.

(Comr Brown)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9
470****R01-08-028 - California Public Utilities Commission.**

Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration and Programs. This decision awards local energy efficiency funding to third parties for 2002-2003 and to investor owned utilities for 2002.

(Comr Lynch - ALJ Thomas)

(Agenda 3087, Item 2 5/2/2002)

Outcome Signed

[D02-05-046](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-10
502****R _____ - California Public Utilities Commission.**

Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing. This proceeding is opened to address, in two phases: 1) development of advanced metering infrastructure to facilitate demand-responsiveness and 2) consideration of dynamic pricing rate design options to encourage consumer utilization of advanced infrastructure and demand-responsive behavior. The proceeding will also seek to coordinate with other state agencies on these issues.

(Agenda 3087, Item 3 5/2/2002)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders

- 1**
522 **A00-10-012 - Los Angeles to Pasadena Metro Blue Line Construction Authority (Blue Line).**
For an order authorizing the construction of two light rail transit tracks at-grade crossing West Avenue 45 in the City and County of Los Angeles, California. A01-06-011, A00-11-050, A00-11-040, A00-11-034, A00-11-033, A00-11-032, A00-11-029, A00-11-016, A00-11-015, A00-10-050, A00-10-039, A00-10-033, A00-10-020 - Related matters. This decision grants Blue Line conditioned permission to construct at-grade crossings in Los Angeles and Pasadena. Blue Line is denied permission to construct an at-grade crossing at Del Mar Blvd. in Pasadena. These proceedings are closed.
(Comr Duque - ALJ Rosenthal)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 1a**
523 **ALTERNATE TO ITEM 522**
Los Angeles to Pasadena Metro Blue Line Construction Authority is granted conditional permission to construct at-grade crossings in Los Angeles and Pasadena, including the at-grade crossing at Del Mar Blvd. in Pasadena.
(Comr Duque)
Outcome Signed (Pres Lynch and Comr Wood will file a joint dissent)
[D02-05-047](#)
Yes: (Brown, Duque, Peevey)
No: (Lynch, Wood)
Abstain: (none)
Absent: (none)
- 2**
572 **A00-11-038 - Southern California Edison Company.**
For authority to institute a Rate Stabilization Plan with a rate increase and End of Rate Freeze Tariffs. A00-11-056, A00-10-028 - Related matters. This decision addresses the California Department of Water Resources (DWR) memorandum request of April 18, 2002 that Pacific Gas and Electric Company be ordered to provide various services for DWR on the terms and conditions as set forth in the proposed "First Amended and Restated Servicing Agreement."
(Comr Lynch - ALJ Wong)
Outcome Signed
[D02-05-048](#)
Yes: (Brown, Duque, Lynch, Wood)
No: (none)
Abstain: (Peevey)
Absent: (none)

3 A00-06-023 - Southern California Gas Company (SoCalGas).

321 Application regarding Year Six (1999-2000) Under Its Experimental Gas Cost Incentive Mechanism and Related Gas Supply Matters. (U 904 G). In Phase 2 of this proceeding, the Commission determines that the public interest is served by extending the Gas Cost Incentive Mechanism (GCIM) of (SoCalGas) and by adopting changes agreed to by SoCalGas, the Commission's Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN). The changes aim generally at reducing consumer costs of gas. The Commission also approves the Settlement Agreement entered into by SoCalGas, ORA and TURN that, among other things, caps the amount of shareholder award that can be recovered under the GCIM and increases consumer benefits beginning in Year Seven of the program. This proceeding is closed.

(Comr Lynch - ALJ Walker)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

3a ALTERNATE TO ITEM 321

585 This decision finds that the Southern California Gas Company (SoCalGas) Gas Cost Incentive Mechanism (GCIM) should be continued as modified by the terms of the Settlement agreement sponsored by SoCalGas, Office of Ratepayer Advocates and The Utility Reform Network, and as further modified in the body of this order. Settling parties' acceptance of those further modifications would result in a Settlement Agreement reasonable in light of the whole record, consistent with the law, and in the public interest. Further investigation of SoCalGas' GCIM Year 7 is warranted, and will be continued in A01-06-027.

(Comr Lynch)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3770 - California Public Utilities Commission.**

600 This resolution implements a limited-term rate reward program for conservation efforts that will provide rate reductions to customers with credits for reducing electricity consumption during the summer of 2002 for Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company.

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2 Res E-3773 - Southern California Edison Company (Edison).

601 This resolution addresses the proposal of Edison to remove the portion of the three cent per kilowatt-hour increase authorized by the Commission in D01-05-064 associated with the amortization of unrecovered surcharge revenues over the period between the effective date of D01-03-082 and implementation on June 3, 2001 of D01-05-064. (Advice Letter 1615-E, filed April 22, 2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-3 Res E-3774 - Pacific Gas and Electric Company (PG&E).

602 This resolution addresses the proposal of PG&E to remove the portion of the three cent per kilowatt-hour increase authorized by D01-05-064 associated with the amortization of unrecovered surcharge revenues over the period between the effective date of D01-03-082 and implementation on June 1, 2001 of D01-05-064. (Advice Letter 2227-E, filed April 15, 2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunications Matters**C-1 Res T-16656 - Verizon California Inc. (Verizon).**

524 This resolution accepts subject to future Commission order, Verizon's 2000 Rate of Return adjusted for directory revenue and expenses from its supplemental 2000 sharable earnings Advice Letter 9944. Since sharing has been suspended in D98-10-026, there is no immediate impact on rates as a result of this filing. (Advice Letter 9944 filed December 12, 2001)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters**Items Held Over**

- HLEG-1** **AB 2244 (Wayne).**
558 Prepaid Calling Cards. Request for Commission position.
(Agenda 3087, Item LEG-2 5/2/2002)
Outcome Approved-Staff Recommendation (Support the bill with amendments)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-2** **AB 2467 (Goldberg).**
552 Telephone corporations: employment. Request for Commission position.
(Agenda 3087, Item LEG-5 5/2/2002)
Outcome Held (6/6/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-3** **AB 2805 (Diaz).**
489 Public utilities: reports and records. Request for Commission position.
(Agenda 3086, Item LEG-5 4/22/2002)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-4** **SB 1519 (Bowen).**
543 DWR, renewable power, retail consumer bypass. Request for Commission position.
(Agenda 3087, Item LEG-10 5/2/2002)
Outcome Held (6/6/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

HLEG-5 **SB 1876 (Bowen).**
546 EOB revisions, ISO into RTO. Request for Commission position.
 (Agenda 3087, Item LEG-13 5/2/2002)
 Outcome Approved-Staff Recommendation (Support the bill)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

HLEG-6 **SB 1885 (Bowen).**
547 PUC, utility obligation to serve. Request for Commission position.
 (Agenda 3087, Item LEG-14 5/2/2002)
 Outcome Approved-Staff Recommendation (Support the bill)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

HLEG-7 **SB 2000 (Dunn).**
491 Electrical power and natural gas: unlawful practices. Request for Commission position.
 (Agenda 3086, Item LEG-7 4/22/2002)
 Outcome Held (6/6/02)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Items

- LEG-1**
(Rev.)
606 **AB 117 (Migden).**
Community aggregation. Request for Commission position.
05/08/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Held (6/6/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-2**
(Rev.)
603 **SB 1753 (Bowen).**
Independent System Operator. Request for Commission position.
05/08/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Approved-Staff Recommendation (Support the bill)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-3**
604 **AB 2706 (Cardoza).**
Irrigation District. Request for Commission position.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-4**
610 **SB 530 (Sher).**
Renewable energy. Request for Commission position.
Outcome Approved-Staff Recommendation (Support the bill with amendments)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-5**
608 **SB 532 (Sher).**
Renewable energy resources. Request for Commission position.
Outcome Approved-Staff Recommendation (Support the bill with amendments)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**LEG-6
612**

SB 1524 (Sher).

Renewable energy resources. Request for Commission position.

Outcome Approved-Staff Recommendation (Support the bill with amendments)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-7
605**

SB 1755 (Soto).

Exit fees for water districts. Request for Commission position.

Outcome Approved-Staff Recommendation (Oppose the bill unless amended)

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

Commissioner's Reports

CR-1 **Commissioners' Reports.**
513 Miscellaneous Commissioners' Reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2 **Commissioner Brown and Commissioner Peevey Report.**
618 Commission Policies and Guidelines regarding the Commission Public Agenda and Decision document notations pursuant to Public Utilities Code Section 305.

Outcome Approved as Modified (Approved Paragraph 2, as amended, and Paragraph 3, of the Memorandum distributed on 5/15/02)

Yes: (Brown, Duque, Lynch, Peevey)

No: (none)

Abstain: (Wood)

Absent: (none)

Management Reports

M-1 **Management Reports**
514 Miscellaneous Management Reports.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

M-2 **General Counsel Report.**
590 Possible amendments to Summary of Material Terms for Department of Water Resources Revenue Bonds.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

HEX-1

C99-01-039 - Conference with Legal Counsel-Application for Rehearing

172

Disposition of the Application for Rehearing filed by Greenlining Institute and Latino Issues Forum of D01-04-037, which denied a complaint regarding tariffing and billing for commercial customers for voicemail services.

(Agenda 3087, Item HEX-1 5/2/2002)

Outcome Held (6/6/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)